

REMARKS

Claims 1-20 are pending in this application (claims 17-20 having been added by Applicant's Amendment filed September 22, 2003).

Applicant amends independent claims 1 and 9 to clarify the relative positions of the sheet-shaped erasing light source with respect to a stimuable phosphor sheet (and amends dependent claims 6 and 14 accordingly, to maintain proper antecedent basis). These amendments are merely clarifying amendments and as such do not limit the scope of equivalents covered by claims 1 and 9. No estoppel is created.

The Examiner rejects:

- claims 1-5, 7, 9-13, 15 and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. 5,115,132 to Saotome et al. (Saotome '132) in view of JP 11-38533A to Arakawa (Arakawa);
- claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Saotome '132 and Arakawa in view of U.S. Pat. 4,814,616 to Saotome et al. (Saotome '616); and
- claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Saotome '132 and Arakawa in view of Saotome '616 and further in view of Ohyama et al. (Ohyama).

That is, the Examiner maintains his previous rejections of claims 1-16, and rejects new claims 17-20 based on the combination of Saotome '132 and Arakawa.

Also, the Examiner objects to the specification allegedly because the amended paragraph as set forth in the Amendment filed September 22, 2003 does not show all the changes.

With regard to the objection to the specification, set forth above is amended first full paragraph of page 5 of Applicant's specification, showing the only intended change (i.e., correction of a typographical error in the word "entire"). The Examiner is respectfully requested to approve this amendment and to withdraw the objection.

With regard to the Examiner's prior art rejections of the original claims 1-16, and the new dependent claims 17-19, the Examiner responds to the analyses presented in the September 22, 2003 Amendment by arguing that "strong erasing" (i.e., erasing to remove essentially all of the energy stored on a stimuable phosphor sheet) may somehow be achieved by Arakawa, and that "there is no barrier to implementing the EL panel approach to erasing of Arakawa in the method and apparatus of Saotome ['132]" (see Office Action, page 9, first portion of paragraph 7). Applicant respectfully disagrees with the Examiner's analyses.

In particular, the disclosure of each of the prior art references must be considered in its entirety. Thus, as explained in the September 22, 2003 Amendment, the Arakawa reference as a whole does not teach "strong erasing", instead it teaches quite the opposite – acquiring image information for energy subtraction processing where erasing is performed to release energy stored only in a part of the stimuable phosphor sheet before the read-out of the image is finished, to thereby enable energy subtraction processing. Thus, Arakawa teaches away from "strong erasing," because releasing all of the stored energy would preclude energy subtraction processing, making Arakawa's invention inoperative. On the other hand, the only "erasing" disclosed in Saotome '132 is for reusing the stimuable phosphor sheet, i.e., strong erasing where all of the energy stored on the entire stimuable phosphor sheet is erased after image read-out is finished.

To the extent that the Examiner argues obviousness based on restraint of operation for erasing rather than incapacity, it is noted that the conceded restraint in the erasing is what makes the rejection improper. One cannot defeat the stated purpose and objects of a reference to support a prior art rejection.

Accordingly, absent the disclosure of Applicant's own specification, one skilled in the art would not have been motivated to combine the opposing teachings of Saotome and Arakawa, to achieve an image recording and read-out apparatus and method where entire area of the stimuable phosphor sheet is irradiated by strong erasing light from a sheet-shaped erasing light source, as recited in Applicant's independent claims 1 and 9. When combining the teachings of Saotome and Arakawa the Examiner is relying on impermissible use of hindsight.

Furthermore, with regard to the dependent claims 7 and 15, the Examiner cites Fig. 9A of Saotome '132 as allegedly teaching a moving image read-out unit 104 and stationary phosphor sheet 102 (see Office Action, page 9, second portion of paragraph 7). However, in this implementation of its radiation image recoding and read-out apparatus, Saotome '132 teaches the use of an erasing light source 131 constituted by a fluorescent lamp integrally mounted in a single, movable image read-out and erasing section 104 (see *Id.*, col. 13, line 11 through col. 15, line 9). Clearly, one skilled in the art of radiation image recoding and read-out devices would not have been motivated to replace erasing light source 131 shown in Figs. 9A and 9B of Saotome '132 with a sheet-shaped erasing light source as required by claims 7 and 15 (which incorporate, by reference, all the features recited in their respective base claims 1 and 9).

Therefore, Applicant's independent claims 1 and 9, and dependent claims 2-8 and 10-20 (which incorporate all the novel and unobvious features of their respective base claims) would not have been obvious from any reasonable combination of the cited references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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